

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-27 in the application. The Applicant previously amended Claims 1, 2, 5, 10, 11, 14, 19, 20 and 23. The Applicant presently does not amend or cancel any Claims. Accordingly, Claims 1-27 are currently pending in the application.

I. Rejection of Claims 1-27 under 35 U.S.C. §103

The Examiner has rejected Claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. patent No. 6,029,164 to Birrell, *et al.* (“Birrell”) in view of Applicant’s background (AB). The Examiner stated that Birrell fails to teach all the elements of the Applicant’s claimed invention. More specifically, the Examiner admitted that Birrell does not explicitly teach “associate[s] each of the hypertext references with a sender of the first and second e-mail messages.” (Examiner’s Action, Page 3). The Examiner also stated that the Applicant’s background on Page 2, lines 6-14, teaches associating each of the hypertext references with a sender of the first and second e-mail messages. (Examiner’s Action, Page 3). The Examiner further stated it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of the Applicant’s background with Birrell because it would have provided the enhanced capability for minimizing the data transferred over the network. (Examiner’s Action, Page 3). The Applicant respectfully disagrees.

The passage in the Applicant’s background specifically cited by the Examiner is “[w]ith the advent of the Internet and HTML, users could send hypertext information to each other within their e-mail messages. One of the most common types of hypertext information sent in e-mail messages is a universal resource locator (“URL”) address. The URL address is the location of a specific piece

of associated information, such as a World Wide Web page. When the e-mail recipient selects the hypertext URL address contained in a given e-mail message, the e-mail recipient's Internet browser can automatically seek out and display the associated information." (Applicant's Specification, Page 2, lines 6-14). The Examiner has cited this passage in an effort to support a conclusion: that hypertext references are necessarily associated with a sender of an e-mail message. Unfortunately, the premise is contrary to syllogistic reasoning.

As the Examiner is probably aware, a "syllogism" is a construct of formal deductive logic composed of three statements. The first statement of a syllogism is the Major Premise. The Major Premise is a broad generalization that associates two categories. The second statement is the Minor Premise, which associates a single instance with the first of the two categories in the Major Premise. The third statement is a Minor Conclusion. The Minor Conclusion associates the single instance in the Minor Premise with the second category in the Major Premise. A classic proper syllogism is: "All men are mortal. [Major Premise] Socrates is a man. [Minor Premise] Therefore, Socrates is mortal. [Minor Conclusion]"

Expressing the Examiner's argument in the form of a syllogism, the Examiner is asserting that: (1) because an e-mail contains a sender, (2) and because hypertext references are in an e-mail, (3) hypertext references are necessarily associated with the sender. Unfortunately, this syllogism is inductive and therefore improper. The Examiner is attempting to use first and second Minor Premises to induce a Major Conclusion, rather than adhering to proper syllogistic form by using a Major Premise and a Minor Premise to deduce a valid Minor Conclusion. The Examiner's Major Conclusion is therefore unsupportable and improper. The contents linked by the hypertext references do not have to be associated with a sender of an e-mail message. The hypertext reference can be

associated with something completely unrelated to the sender. Therefore, the Applicant's background fails to provide the requisite motivation to develop the Applicant's claimed invention as recited in Claims 1, 10 and 19.

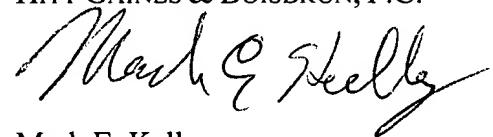
Since the Examiner stated that Birrell fails to teach or suggest each and every element of the invention recited in independent Claims 1, 10 and 19, and the Applicant's background fails to cure Birrell's deficiencies, Examiner cannot establish a *prima facie* case of obviousness with respect to the independent Claims 1, 10 and 19. Because Claims 2-9, 11-18 and 20-27 are dependent upon Claims 1, 10 and 19 respectively, the Examiner also cannot establish a *prima facie* case of obviousness of dependent Claims 2-9, 11-18 and 20-27, which include the elements of the respective independent claims. The Applicant therefore respectfully traverses the Examiner's rejection of Claims 1-27 under 35 U.S.C. §103.

II. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-27. The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES & BOISBRUN, P.C.



Mark E. Kelley
Registration No. 45,857

Dated: Nov 27, 2008

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800